

Appendix N

HUD Notice – Affirmative Furthering Fair Housing in the CDBG Program



AFFH FACT SHEET:

THE DUTY TO AFFIRMATIVELY FURTHER FAIR HOUSING

WHAT IS THE DUTY TO AFFIRMATIVELY FURTHER FAIR HOUSING?

From its inception, the Fair Housing Act (and subsequent laws reaffirming its principles) not only prohibited discrimination in housing related activities and transactions but also imposed a duty to affirmatively further fair housing (AFFH). The AFFH rule sets out a framework for local governments, States, and public housing agencies (PHAs) to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. The rule is designed to help program participants better understand what they are required to do to meet their AFFH duties and enables them to assess fair housing issues in their communities and then to make informed policy decisions.

For purposes of the rule, affirmatively furthering fair housing "means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development."

For purposes of the rule, meaningful actions "means significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity."

WHAT IS THE PROCESS PROGRAM PARTICIPANTS MUST FOLLOW?

Under the AFFH rule, an "Assessment of Fair Housing" (AFH) will replace the current "Analysis of Impediments" (AI) process. The AFH Assessment Tool, which includes instructions and data provided by HUD, consists of a series of questions designed to help program participants identify, among other things, fair housing issues pertaining to patterns of integration and segregation; racially and ethnically concentrated areas of poverty; disparities in access to opportunity; and disproportionate housing needs, as well as the contributing factors for those issues.

- The Assessment Tool is intended to help communities understand and identify local barriers to fair housing choice. The AFH provides an approach that will help program participants more effectively affirmatively further the purposes and policies of the Fair Housing Act.
- HUD will review the AFH within 60 calendar days after the date of submission. An AFH submission is deemed accepted 61 days after submission unless HUD provides notification on or before that it is not accepted. Non-acceptance notifications will explain the reasons for non-acceptance and how a program participant may remedy deficiencies.
- The AFFH rule establishes specific requirements for the incorporation of the AFH into subsequent Consolidated Plans and PHA Plans in a manner that connects housing and community development policy and investment planning with meaningful actions to AFFH.
- The AFFH rule links existing community participation and consultation requirements to the AFH process to ensure program participants give the public opportunities for involvement in the development of the AFH and in its incorporation into the Consolidated Plan and PHA Plan.

HUD Rule on Affirmatively Furthering Fair Housing

The U.S. Department of Housing and Urban Development (HUD) has released a final rule to equip communities that receive HUD funding with the data and tools that will help them to meet long-standing fair housing obligations in their use of HUD funds. HUD will provide publicly open data for grantees to use to assess the state of fair housing within their communities and to set locally-determined priorities and goals. The rule responds to recommendations of the Government Accountability Office and stakeholders for HUD to enhance its fair housing planning obligations by providing greater clarity and support to jurisdictions receiving HUD funding, and facilitating local decision-making on fair housing priorities and goals.

For more than forty years, HUD funding recipients have been obligated by law to reduce barriers to fair housing. Established in the Fair Housing Act of 1968, the law directs HUD and its program participants to affirmatively further the Act's goals of promoting fair housing and equal opportunity. The final rule on affirmatively furthering fair housing (AFFH) aims to provide all HUD grantees with clear guidelines and the data that will help them to achieve those goals, because no child's ZIP code should determine her opportunity to achieve.

HUD's rule clarifies and simplifies existing fair housing obligations for HUD grantees to analyze their fair housing landscape and set locally-determined fair housing priorities and goals through an Assessment of Fair Housing (AFH). To aid communities in this work, HUD will provide open data to grantees and the public on patterns of integration and segregation, racially and ethnically concentrated areas of poverty, disproportionate housing needs, and disparities in access to opportunity. This improved approach provides a better mechanism for HUD grantees to build fair housing goals into their existing community development and housing planning processes. In addition to providing data and maps, HUD will also provide technical assistance to aid grantees as they adopt this approach.

Key features of this final rule include:

- Clarifying existing fair housing obligations. Existing patterns of meeting AFFH obligations have been undermined by limited access to data about fair housing conditions and access to opportunity. A Government Accountability Office report from 2010 also cited a lack of clarity, standards, and transparency for communities under the current process. HUD's rule clarifies and standardizes this process.
- Publicly open data on fair housing and access to opportunity. HUD will provide publicly open data and mapping tools to aid community members and local leaders in setting local fair housing priorities and goals.
- A balanced approach to fair housing. The final rule helps to facilitate communities relying on local knowledge and local decision-making to determine best strategies for meeting their fair housing obligations at the local level – including making place-based investments to revitalize distressed areas, or expanding access to quality affordable housing throughout a community.

- Expanding access to opportunity. The strength of America's economy, the stability and security of its neighborhoods, and the ability for all to prosper depends on all Americans having equal access to opportunity – no matter what they look like or where they come from. This rule facilitates local decision-making by HUD grantees to expand equal access to opportunity for all Americans.
- Valuing local data and knowledge. HUD is providing grantees with publicly open data to assist with their assessment of fair housing, but grantees will also use local data and knowledge to inform local decision-making, including information obtained through the community participation process.
- Customized tools for local leaders. Recognizing that one size does not fit all grantees, given their differing responsibilities and geographic areas served, HUD will be providing fair housing assessment tools specific to local jurisdictions, public housing authorities (PHAs), and states and Insular Areas.
- Collaboration is encouraged. Many fair housing priorities transcend a grantee's boundaries. Actions to advance these priorities often involve coordination by multiple jurisdictions. The final rule encourages grantees to collaborate on fair housing assessments to advance regional fair housing priorities and goals.
- Community voice. The rule facilitates community participation in the local process to analyze fair housing conditions and set local priorities and goals.
- A phased-in approach. The final rule provides for additional time for communities to adopt this improved process for setting local fair housing priorities than originally proposed.
- Additional time for small grantees and recent regional collaborations. Local jurisdictions receiving a CDBG grant of \$500,000 or less and qualified PHAs will have more time to submit their first AFH. Grantees that recently submitted a Regional Analysis of Impediments in connection with HUD's Sustainable Communities competition have additional time to submit their first AFH than originally proposed.

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Affirmatively Furthering Fair Housing (AFFH)

Affirmatively Furthering Fair Housing (AFFH) is a legal requirement that federal agencies and federal grantees further the purposes of the Fair Housing Act. This obligation to affirmatively further fair housing has been in the Fair Housing Act since 1968 (for further information see Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3608 and Executive Order 12892). HUD's AFFH rule provides an effective planning approach to aid program participants in taking meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. As provided in the rule, AFFH means "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development."

[Learn More About the Fair Housing Planning Process Under the AFFH Rule \(/programs/affh/overview\).](#)

AFFH News & Announcements

HUD Announces New Data Version (AFFHT0004) on the AFFH Data and Mapping Tool
(<https://www.hudexchange.info/news/hud-announces-new-data-version-affht0004-on-the-affh-data-and-mapping-tool>)

Date Posted: November 17, 2017

Clarification: HUD Announces Changes to the AFFH Data and Mapping Tool
(<https://www.hudexchange.info/news/clarification-hud-announces-changes-to-the-affh-data-and-mapping-tool/>)

Date Posted: October 16, 2017

HUD Announces Changes to the AFFH Data and Mapping Tool (AFFH-T) (<https://www.hudexchange.info/news/hud-announces-changes-to-the-affh-data-and-mapping-tool-affh-t/>)

Date Posted: September 26, 2017

Announcement of Changes to the AFFH Data and Mapping Tool (AFFH-T) and the AFFH User Interface (AFFH-UI) (<https://www.hudexchange.info/news/announcement-of-changes-to-the-affh-data-and-mapping-tool-affh-t-and-the-affh-user-interface-affh-ui/>)

Date Posted: July 20, 2017

Now Available: Interim Guidance for Program Participants on Status of Assessment Tools and Submission Options (<https://www.hudexchange.info/news/interim-guidance-for-program-participants-on-status-of-assessment-tools-and-submission-options>)

Date Posted: January 19, 2017

View All AFFH News & Announcements (<https://www.hudexchange.info/news/?ct=%5B%22News%22%5D&topic=%5B%22AFFH%3A%20Affirmatively%20Furthering%20Fair%20Housing%20Final%20Rule%22%5D>)

Assessment Tools (/programs/affh/resources/#assessment-tools)

HUD has provided Assessment Tools for conducting an Assessment of Fair Housing (AFH)

Resources and Training Material (/programs/affh/resources/#affh-guidebook-and-rule-resources)

Fact sheets, trainings, data and mapping resources, and other materials are available to assist program participants

Contact FHEO (/programs/affh/affh-field-point-of-contacts/)

Find your local FHEO contact (/programs/affh/affh-field-point-of-contacts/)

AFFH Help

View AFFH FAQs (<https://www.hudexchange.info/affh/faqs/>)

Ask an AFFH Question (<https://www.hudexchange.info/program-support/my-question/>)
Select AFFH in the "My question is related to" field.

Request In-Depth Technical Assistance (<https://www.hudexchange.info/program-support/technical-assistance/>)
Select AFFH Under Topics.

Join the AFFH Mailing List (<http://icfi.us5.list-manage.com/subscribe?u=87d7c8afc03ba69ee70d865b9&id=f32b935a5f>)

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410

FEB - 9 2007

MEMORANDUM FOR: Community Planning and Development Field Directors
Fair Housing and Equal Opportunity Regional Directors
Community Development Block Grant and State Recipients
Fair Housing Initiatives Program Recipients
Fair Housing Assistance Program Recipients

FROM: *Pamela H. Patenaude*
Pamela H. Patenaude, Assistant Secretary for Community Planning
and Development, D
Kim Kendrick
Kim Kendrick, Assistant Secretary for Fair Housing and
Equal Opportunity, E

SUBJECT: Affirmatively Furthering Fair Housing in the Community
Development Block Grant Program

PURPOSE:

The purpose of this guidance is to clarify the use of Community Development Block Grant (CDBG) funds in supporting fair housing activities to assist CDBG recipients in meeting their certifications to affirmatively further fair housing (AFFH).

BACKGROUND:

Title VIII of the Civil Rights Act of 1968, as amended (the Fair Housing Act), prohibits discrimination in all housing-related activities on the basis of race, color, religion, sex, national origin, familial status (number and age of children) and disability ("handicap"). Section 808(e)(5) of the Fair Housing Act also requires the Secretary of HUD to administer the Department's housing and community development programs in a manner to affirmatively further fair housing (AFFH). CDBG grantees (metropolitan cities, urban counties, States, insular areas, and non-entitled grantees in Hawaii) are also required by Section 104(b)(2) of the Housing and Community Development Act of 1974, as amended, and Section 105(b)(3) of the National Affordable Housing Act (NAHA) of 1990 to certify that they will AFFH. Actions to AFFH should further policies of the Fair Housing Act by actively promoting wider housing opportunities for all persons while maintaining a nondiscriminatory environment in all aspects of public and private housing markets.

AFFIRMATIVELY FURTHERING FAIR HOUSING GUIDELINES:

The Consolidated Plan regulations at 24 CFR 91.225 and 91.325 establish the AFFH requirements of the Fair Housing Act that apply to the CDBG program. They specify that the AFFH certification requires the grantee to engage in fair housing planning by conducting an analysis to identify impediments to fair housing choice within its jurisdiction, taking appropriate actions to overcome the effects of identified impediments, and maintaining records to document the analysis and the actions taken.

Sections 105(a)(8) and (13) of the Housing and Community Development Act of 1974, as amended, authorize the use of CDBG funds for public services and for planning and program administration costs. The entitlement regulation at 24 CFR 570.205(a)(vii) makes eligible, as a planning activity, developing an analysis of impediments to fair housing choice, while the use of CDBG to provide fair housing services may be eligible as a program administration cost in accordance with 24 CFR 570.206 or as a public service in accordance with 24 CFR 570.201(e). Eligible public services include the use of CDBG funds for activities such as fair housing counseling. Eligible fair housing costs designed to AFFH are detailed in 24 CFR 570.206(c) and include making all persons aware of the range of housing options available, enforcement, education, outreach, avoiding undue concentrations of assisted persons in areas with many low- and moderate-income persons, and other appropriate activities, including testing, selected by the grantee to AFFH. States may use the entitlement regulations referenced above for interpretive guidance.

One major method for achieving these purposes is funding of local fair housing agencies, which includes agencies in both the Fair Housing Initiative Program (FHIP) and Fair Housing Assistance Program (FHAP). Between these programs, these agencies can:

- Undertake fair housing enforcement, *i.e.*, complaint processing;
- Draft amendments to State and local fair housing laws in order to make them substantially equivalent to the federal Fair Housing Law;
- Conduct the Analysis of Impediments to Fair Housing Choice (AI);
- Provide fair housing education and outreach;
- Provide translation and interpretation services for persons who are limited English proficient; and/or
- Assist in the development of accessible housing for persons with disabilities

RECORDKEEPING:

In accordance with 24 CFR 570.490 and 570.506(g), as applicable, grantees should establish a record-keeping system for their AFFH activities. This would include, among other items: copies of local fair housing laws and ordinances; the full history of the development of its AI; options available for overcoming impediments; local businesses, agencies, and resident-groups involved in the consultative process; planned actions and those taken; issues that arose when the actions were planned and conducted; and any other information about the community's fair housing planning process.

CONTACTS:

CDBG grantees having questions about this guidance should contact the CPD Division in their respective HUD Field Office (see attached list). HUD staff should contact Richard Kennedy, Director, Office of Block Grant Assistance, or Pamela Walsh, Acting Director, Office of Policy, Legislative Initiatives and Outreach. Mr. Kennedy's telephone number is 202-402-4542, and Ms. Walsh's telephone number is 202-402-7017.

Attachment

2007 CPD Field Directory
(as of 1/5/2007)

HUD Field Office	Name/Title	Address	Telephone Number	FAX Number
REGION I: NEW ENGLAND				
Hartford, CT	Gary Reisine, CPD Director	1 Corporate Center Hartford, CT 06103	860-240-9770	860-240-4857
Manchester, NH	Richard Hatin, Program Manager	1000 Elm Street, 8 th Fl. Manchester, NH 03101	603-666-7510, Ext. 3017	603-666-7644
Boston, MA	Robert Paquin, CPD Director	Thomas P. O' Neill Federal Bldg. 10 Causeway Street Boston, MA 02222	617-994-8357	617-565-5442
REGION II: NEW YORK/NEW JERSEY				
Buffalo, NY	Nancy Peacock, CPD Director	465 Main Street, 5 th Floor Buffalo, NY 14203	716-551-5755, Ext. 5800	716-551-5752
New York, NY	Teresa Bainton, CPD Director	26 Federal Plaza, Suite 3541 New York, NY 10278	212-542-7401	212-264-0993
Newark, NJ	Kathleen Naymola, CPD Director	One Newark Center, 13 th Floor Newark, NJ 07102	973-776-7288	973-645-4461
REGION III: MID-ATLANTIC				
Baltimore, MD	Charles Halm, CPD Director	10 South Howard Street, 5 th Floor Baltimore, MD 21201	410-209-6541	410-209-6639
Philadelphia, PA	Nadab Bynum, CPD Director	100 Penn Square, East Philadelphia, PA 19107	215-861-7652	215-656-7250
Pittsburgh, PA	Lynn Daniels, CPD Director	339 Sixth Avenue, 6 th Floor Pittsburgh, PA 15222	412-644-2999	412-644- 2678/6499
Richmond, VA	Ronnie Legette, CPD Director	600 East Broad Street Richmond, VA 23219	804-771-2100, Ext. 3770	804-771-2284
Washington, DC	Frances Bush, CPD Director	820 First Street NE, Suite 300 Washington, DC 20002	202-275-9200, Ext. 3163	202-275-4190
REGION IV: SOUTHEAST/CARIBBEAN				
Birmingham, AL	Harold Cole, CPD Director	950 22 nd Street, North, Suite 900 Birmingham, AL 35203	205-731-2630, Ext. 1027	205-731-2388
San Juan, PR	Jose Rivera, CPD Director	Parque Las Americas I 235 Federico Costa St., Suite 200 San Juan, PR 00918	787-766-5400, Ext. 2004	787-766-5995
Miami, FL	Maria R. Ortiz Hill, CPD Director	909 SE First Avenue Miami, FL 33131	305-536-4431, Ext. 2223	305-536-4781
Atlanta, GA	John Perry, CPD Director	40 Marietta Street, Five Points Plaza Atlanta, GA 30303	404-331-5001	404-331-3617
Jacksonville, FL	Gary Causey, CPD Director	400 West Bay Street, Suite 1015 Jacksonville, FL 32202	904-232-1777, Ext. 2077	904-232-3617
Louisville, KY	Virginia Peck, CPD Director	601 West Broadway Louisville, KY 40202	502-582-6163, Ext. 200	502-582-5300
Jackson, MS	Emily Eberhardt, CPD Director	100 W. Capitol Street, Room 910 Jackson, MS 39269	601-965-4700, Ext. 3140	601-965-5912
Greensboro, NC	Gary Dimmick, CPD Director	1500 Pinecroft Road Greensboro, NC 27407	336-547-4000, Ext. 2047	336-547-4148
Columbia, SC	Louis Bradley, CPD Director	1835 Assembly Street, 13 th Floor Columbia, SC 29201	803-765-5564	803-253-3426
Knoxville, TN	Mary C. Wilson, CPD Director	710 Locust Street, SW, Suite 300 Knoxville, TN 37902	865-545-4400, Ext. 125	865-545-4575

REGION V: MIDWEST

Chicago, IL	Ray E. Willis, CPD Director	77 W. Jackson Blvd. Chicago, IL 60604	312-353-1696, Ext. 2713	312-353-5417
Indianapolis, IN	Robert F. Poffenberger, CPD Director	151 N. Delaware Street, Suite 1200 Indianapolis, IN 46204	317-226-6303, Ext. 6790	317-226-7308
Detroit, MI	Jeanette Harris, CPD Director	477 Michigan Avenue Detroit, MI 48226	313-226-7900, Ext. 8059	313-226-6689
Minneapolis, MN	Alan Joles, CPD Director	920 Second Avenue South Minneapolis, MN 55402	612-370-3019, Ext. 2107	612-370-3093
Columbus, OH	Jorgelle Lawson, Acting CPD Director	200 North High Street Columbus, OH 43215	614-469-5737, Ext. 8254	614-469-2237
Milwaukee, WI	Robert Berlan, CPD Director	310 W. Wisconsin Ave. Rm 1380 Milwaukee, WI 53203	414-297-3214, Ext. 8100	414-297-3202

REGION VI: SOUTHWEST

Little Rock, AR	James Slater, CPD Director	425 West Capitol Avenue, Suite 900 Little Rock, AR 72201	501-324-6375, Ext. 3300	501-324-5954
New Orleans, LA	Greg Hamilton, CPD Director	501 Magazine Street, 9 th Floor New Orleans, LA 70130	504-589-7214, Ext. 1047	504-589-4089
Albuquerque, NM	Francisco Padilla, CPD Director	625 Silver Avenue SW, Suite 100 Albuquerque, NM 87102	505-346-7361	505-346-7574
Oklahoma City, OK	David H. Long, CPD Director	301 NW 6 th Street, Suite 200 Oklahoma City, OK 73102	405-609-8569	405-609-8574
San Antonio, TX	John T. Maldonado, CPD Director	106 South St. Mary's Street San Antonio, TX 78205	210-475-6821	210-472-6825
Ft. Worth, TX	Katie Worsham, CPD Director	801 Cherry Street, P.O. Box 2905 Ft. Worth, TX 76113	817-978-5951	817-978-5559
Houston, TX	Sandra Warren, CPD Director	1301 Fonnin Street, Suite 2200 Houston, TX 77002	713-718-3115	713-718-3251

REGION VII: GREAT PLAINS

Kansas City, KS	Theresa Porter, CPD Director	400 State Avenue, Room 200 Kansas City, KS 66101	913-551-5485	913-551-5859
Omaha, NE	Patricia M. McCauley, CPD Director	10909 Mill Valley, Suite 100 Omaha, NE 68154	402-492-3147	402-492-3163
St. Louis, MO	Dee Ann Ducote, CPD Director	1222 Spruce Street, Suite 3207 St. Louis, MO 63103	314-539-6524	314-539-6818

REGION VIII: ROCKY MOUNTAIN

Denver, CO	Guadalupe M. Herrera, CPD Director	1670 Broadway Denver, CO 80202	303-672-5076	303-672-5028
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REGION IX: PACIFIC/HAWAII

San Francisco, CA	Steven Sachs, CPD Director	600 Harrison Street, 3 rd Floor San Francisco, CA 94104	415-489-6598	415-489-6601
Honolulu, HI	Mark Chandler, CPD Director	500 Ala Moana Blvd., Suite 3A Honolulu, HI 96813	808-522-8180, Ext. 264	808-522-8194
Los Angeles, CA	William Vasquez, CPD Director	611 W. 6 th Street, Suite 800 Los Angeles, CA 90017	213-534-2555	213-894-8122
Phoenix, AZ	Louis Kislin, Team Lead	One North Central Ave., Suite 600 Phoenix, AZ 85004	602-379-7169	602-379-4431

REGION X: NORTHWEST/ALASKA

Anchorage, AK	Gus Smith, CPD Director	3000 C Street, Suite 401 Anchorage, AK 99503	907-677-9890	907-677-9802
Portland, OR	Douglas Carlson, CPD Director	400 SW 6 th Avenue, Suite 700 Portland, OR 97204	971-222-2612	503-326- 3684/4065
Seattle, WA	Jack Peters, CPD Director	909 First Avenue, Suite 200 Seattle, WA 98104	206-220-5268	206-220-5403

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HUD Launches Affirmatively Furthering Fair Housing Page and Ask A Question on the HUD Exchange

July 08, 2015

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HUD is pleased to announce the launch of the **Affirmatively Furthering Fair Housing (AFFH) Final Rule (/affh)** page and AFFH Ask A Question (AAQ) desk on the HUD Exchange.

The AFFH page contains the latest news and resources about the rule. HUD has posted some preliminary fact sheets and guidance on the AFFH rule and will announce additional resources via the HUD Exchange mailing list.

The HUD Exchange Ask A Question tool enables HUD's customers to ask AFFH questions online and to receive timely responses to their questions via email.

To ask an AFFH question, please use the following instructions:

- Go to the **Get Assistance page (/program-support/)** on the HUD Exchange.
- Under the "Do you have a policy question or need assistance with a reporting system?" section, click on "Ask A Question."
- Fill out the Requestor Information form (note that this form is available directly at the following URL: <https://www.hudexchange.info/program-support/my-question/> (/program-support/my-question/)).
- Once the question is successfully submitted, you will receive a confirmation email.

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